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Security Council

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Report of the Security Council mission to the Great Lakes region, 15-26 May 2001

I. Introduction

1. In his letter dated 25 April 2001 (S/2001/408), the President of the Security Council informed the Secretary-General that the members of the Council had decided to send a mission to the Great Lakes region of Africa. Following consultations among the members, it was agreed that the composition of the mission should be as follows:

France (Ambassador Jean-David Levitte, Head of Mission)

China (Ambassador Wang Yingfan)

Colombia (Ambassador Alfonso Valdivieso)

Ireland (Ambassador David Cooney)

Jamaica (Ambassador Curtis A. Ward)

Mali (Ambassador Moctar Ouane)

Mauritius (Ambassador Anund Priyay Neewoor)

Singapore (Ambassador Kishore Mahbubani)

Tunisia (Ambassador Othman Jerandi)

Ukraine (Ambassador Valery P. Kuchinsky)

United Kingdom of Great Britain and Northern Ireland (Ambassador Jeremy Greenstock)

United States of America (Ambassador Cameron R. Hume).

2. The terms of reference of the mission are annexed to document S/2001/408.

3. The Security Council mission left New York on 15 May and returned on 26 May. During that period, the mission visited Johannesburg, Pretoria, Kinshasa, Luanda, Lusaka, Bujumbura, Dar es Salaam, Kigali and Kampala. They met with the President of South Africa, Thabo Mbeki; the President of the Democratic Republic of the Congo, Joseph Kabila; the President of Angola, José Eduardo dos Santos; the President of Namibia, Sam Nujoma; the President of Zimbabwe, Robert Mugabe; the President of Zambia, Frederick Chiluba; the President of Burundi, Pierre Buyoya; the President of the United Republic of Tanzania, Benjamin Mkapa; the President of Rwanda, Paul Kagame; and the President of Uganda, Yoweri Kaguta Museveni, as well as the facilitator in the Burundi conflict, former President Nelson Mandela, and the neutral facilitator for the inter-Congolese dialogue, former President Sir Ketumile Masire. The mission also met with the Political Committee in Lusaka, and the leader of the Front de libération du Congo (FLC), Jean-Pierre Bemba, and held informal talks with leaders of the Rassemblement congolais pour la démocratie (RCD (Goma)) and leaders of the Burundian Front pour la défense de la démocratie (FDD) and the Forces nationales pour la libération (FNL). The mission met with Congolese members of civil society, religious leaders and representatives of political parties. In Rwanda, members met with Government Ministers and representatives of civil society, and in Burundi with signatories of the Arusha Agreement. The mission visited Mbandaka, Democratic Republic of the Congo, on 20 May.

II. Activities of the Security Council mission

4. With each of its interlocutors, the leader of the Security Council mission, Ambassador Levitte, introduced the members of the mission and set out its objectives, in accordance with the terms of reference.

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Individual members then made comments or put questions. The Security Council mission conducted the following meetings and activities during its visit.

Meeting with Sir Ketumile Masire

5. The Security Council mission met with the neutral facilitator in the inter-Congolese dialogue, Sir Ketumile Masire, in Johannesburg on 17 May. In a detailed exchange of views, Sir Ketumile informed the mission of his plans to advance the dialogue and outlined some of the difficulties he foresaw in its progress. Members of the mission stressed the need to ensure that progress in the political sphere of the Lusaka Ceasefire Agreement, notably the dialogue, was made in parallel with the military aspects, namely, the withdrawal of foreign forces and the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups.

6. Sir Ketumile informed the mission that, in the coming weeks, he would dispatch two senior advisers, Archibald Mogwe and Hacen Ould Lebatt, to meet with members of civil society and the unarmed opposition in all 11 provinces of the Democratic Republic of the Congo and to supervise the designation of their representatives in accordance with article 6 of the Declaration of Principles of 4 May 2001. It would also be necessary to resolve other questions, including the timing, location and agenda of the dialogue, as well as substantive issues such as the organization and conduct of elections, the drafting of a constitution, the creation of institutions to support good governance and the formation of a new national army. The facilitator had requested the parties to provide him with their views on these matters by mid-May, but none had so far done so. The facilitator was now strengthening his office in Kinshasa, which is headed by Mr. Ould Lebatt, with the assistance of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). Sir Ketumile, who had envisaged convening a preparatory conference towards the end of June or early in July, announced at a subsequent meeting with the mission in Lusaka on 22 May that the preparatory conference would begin on 16 July.

7. Sir Ketumile also thought it necessary to include in the dialogue the humanitarian situation, the economy and development, despite the reservations expressed by some donors. The nature, modalities of establishment and powers of the transitional administration to be established in accordance with the dialogue also remained to be decided upon, though Sir Ketumile agreed with members of the mission that its duration should be as brief as possible.

8. No decision had emerged as to the location of the dialogue. Mutual distrust among the parties might preclude convening it in Kinshasa, although the possibility of conducting the dialogue within the Democratic Republic of the Congo had not been ruled out. External locations such as Addis Ababa and Lusaka had also been suggested. Sir Ketumile confirmed that he had no objection to any location for the dialogue within the Democratic Republic of the Congo, so long as it was agreeable to the parties.

9. Members agreed that the inter-Congolese dialogue was the centrepiece of the entire peace process. They had found Sir Ketumile Masire's briefing very encouraging. Members also looked forward to the full cooperation of the Government of the Democratic Republic of the Congo with the facilitator.

Meeting with Nelson Mandela

10. The Security Council mission met with the facilitator of the Burundi peace process, former President Nelson Mandela, in Johannesburg on 17 May. The members of the mission sought Mr. Mandela's guidance on the approach the Council mission should take with President Buyoya; whether to meet with the rebel groups, if that were possible, and how to engage them; and how regional leaders could be invited to assist. In particular the facilitator's views were sought on the advantages of establishing a permanent negotiating mechanism to devote sustained attention to the problem.

11. Mr. Mandela, stressing that he took an optimistic view, briefly recounted the events surrounding and since the signing of the Arusha Agreement on Peace and Reconciliation on 28 August 2000. The facilitator identified two central issues: the transitional Government and the ceasefire. Mr. Mandela advised the Security Council mission to make it very clear to the armed groups that there was no military solution, and that dialogue was the sole means of reaching agreement.

12. Members of the mission noted that many of the reports received by the Council concerning the situation in Burundi had been very pessimistic. It was noted that, in a disturbing development, the numbers of the armed groups had grown recently, and they

appeared to be concentrating around Bujumbura. The facilitator also spoke of the negative attitude towards the United Republic of Tanzania now current within Burundi.

Meeting with President Mbeki

13. The Security Council mission met with President Mbeki in Pretoria on 17 May. Identifying the need to disarm the ex-FAR and Interahamwe militia as the key to an eventual Rwandan pull-out, President Mbeki said there were indications that Rwanda might be prepared to offer amnesty to those armed group members who were not wanted by the Tribunal.

14. The Burundian FDD were reportedly regrouping in the United Republic of Tanzania, apparently under the pressure of the ongoing peace process in the Democratic Republic of the Congo. This might oblige the United Republic of Tanzania to place more troops at the border. The Vice-President of South Africa, Jacob Zuma, was conducting talks with the President of Gabon, Omar Bongo, President Kabila, the Burundians and others, and the bilateral talks between the Burundian rebels and President Kabila, and between President Kabila and President Kagame, were a welcome development.

15. In the political process, President Mbeki saw no problems of principle, only of detail. The neutral facilitator would need more resources to carry out his functions. President Kabila appeared to be sincere in his commitment to the peace process, and the recent meeting between President Kagame and President Mugabe in Harare was a positive development.

Meeting with President Kabila

16. The Security Council mission met with President Kabila and some of his senior officials, including the Minister for Foreign Affairs, Leonard She Okitundu, in Kinshasa on 18 May. A key issue raised by members of the mission was the demilitarization of Kisangani pursuant to resolution 1304 (2000). The Council mission also looked forward to discussing with the Political Committee its plans for the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo and the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups. With reference to the need to gather information on the armed groups who were to undergo disarmament and demobilization, it would be helpful if the Government could provide all possible data to the Joint Military Commission and to MONUC. In this connection, the mission stressed that the establishment and maintenance of productive bilateral channels between Kinshasa and Kigali were vital to the restoration of peace and the development of democracy and prosperity in the subregion. This was the key to the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups, since the United Nations would not be in a position to track them down and disarm them by force.

17. The question of the civil administration of the zones to be evacuated by foreign forces was a matter of concern to the Security Council, in the context of protecting the civilian population, as well as the possibility of the establishment of an interim administration to maintain law and order.

18. There was an important economic element in the involvement of the international community in the Democratic Republic of the Congo, pointed out members of the mission. MONUC could play a role in reviving the country's economy by helping to reopen the riverine system. The head of the mission was pleased to announce that the Uruguayan riverine unit was scheduled to arrive in the country on 6 June, and would be based at Mbandaka. Work was also needed to restore the railways and to implement quick-impact projects. Finally, support had been expressed for the convening at the appropriate time of a regional conference on the Great Lakes region.

19. In his response, President Kabila placed great emphasis on his Government's view that the Rwandan and Ugandan troops in the Democratic Republic of the Congo were forces of aggression — not "uninvited forces" — and that, in accordance with resolution 1304 (2000), they should withdraw forthwith. The Congolese people had never accepted those forces, and their resistance continued. Referring to the Mayi-Mayi fighters, President Kabila said they should not be regarded as "negative forces". Allied troops would also be expected to withdraw in due course. His Government fully supported the inter-Congolese dialogue. The dialogue was a matter for the Congolese people, however, and could not be conducted in the presence of foreign armies. It was against that background that he had repealed decree 194, thus liberalizing the political climate in the Democratic Republic of the Congo.

20. President Kabila agreed with remarks by members of the mission on the importance of direct contact with Rwanda, the "disastrous" humanitarian situation, the risks of the conflict in Burundi, the difficulties posed by the disarmament, demobilization, reintegration and repatriation or resettlement exercise and the need for full respect for human rights. Supplementing the President's observations, Foreign Minister She Okitundu said the Government had demonstrated its flexibility and its willingness to engage in dialogue. All the questions raised by the mission could be dealt with in the context of the dialogue. An international conference could be a good way of focusing further attention on the problems of the region.

21. In the view of President Kabila, the Government should take over the civil administration throughout the country as and when foreign forces withdrew. President Kabila added that FLC and RCD did not represent the Congolese people. It might be necessary to hold elections to determine who should represent the people in the inter-Congolese dialogue. Perhaps the United Nations could organize those elections.

22. Agreeing with the remark that he had opened up a window of opportunity, President Kabila added "I could not close it even if I wanted to. I want to break down walls as well".

23. In response to a question, President Kabila confirmed that his Government had instituted a demobilization programme for children under the age of 18. The four child soldiers who had been sentenced to death in 1999 had had their sentences commuted, and other measures were being examined by the Government. Not enough had been done to publicize this situation, the President acknowledged.

24. Offering to engage in dialogue with anyone, President Kabila reiterated his support for the Lusaka Agreement, calling it "our Bible". Those who had seized power through the barrel of a gun did not represent the people. He had no intention of retaining power for its own sake, but wished to give the Congolese people the right to decide their own future. If they did not get that chance now, they might have to wait another 40 or 50 years, said President Kabila. He wanted to see elections in his lifetime — preferably within the year.

Meeting with specialized agencies

25. The Security Council mission met with representatives of the specialized agencies based in Kinshasa for a wide-ranging discussion of issues relating to the competence and activities of each agency, and the future roles they might play in the event of an expansion in the mandate of MONUC.

Meeting with President dos Santos

26. The Security Council mission met with President dos Santos in Luanda on 18 May, before returning the same evening to Kinshasa.

27. The members of the mission condemned the attack by UNITA at Caxito, Angola, where 200 people had been killed and more than 60 children had been abducted. The Security Council, he continued, was determined to implement in full all resolutions pertaining to sanctions against UNITA, and was making steady progress in doing so. President dos Santos expressed particular appreciation for the mission's reference to the UNITA attack on Caxito, which he accepted as a message of solidarity with the victims.

28. There now existed a set of factors that would facilitate the implementation of the Lusaka Agreement, said the Angolan Head of State. President Kabila was flexible and, with Angolan encouragement, had taken significant steps towards conducting the inter-Congolese dialogue. The two aspects of the accord — its military provisions and the dialogue — should be conducted in parallel. It was important to establish a timetable for both aspects.

29. While the main issue was to end the war, said the President, consideration should also be given to the role of the Government during the transitional period. The size of the country, the multiplicity of actors and the complexity of the situation could give rise to dangers if it was envisaged to create a new authority to govern during the transitional period. It would be preferable to work with the present Government and to persuade it to comply with rules to be developed within the context of the dialogue until general elections could be held with the participation of all parties.

30. To a question concerning the timing of various aspects of the implementation of the Lusaka Agreement, President dos Santos replied that only after political agreement had been reached could full

military withdrawal take place. Awaiting a political resolution would take longer, but would be safer; it was the dialogue that should be speeded up. President dos Santos stressed the need for the Democratic Republic of the Congo to establish a national army to control illegal arms traffic.

31. President dos Santos agreed that there was an area of dispute in the text of the Lusaka Agreement as to the extent of the authority of the Government throughout the territory of the Democratic Republic of the Congo during the transitional period. In his view, the rebel groups should take part in the definition of rules, which would provide a guarantee that they could attain political power through elections. That did not necessarily imply, however, that they would win a place in the Government. That had not been the case in Mozambique or in Angola, where they had been admitted only after the elections.

Meeting with President Nujoma

32. The Security Council mission met with President Nujoma and some of his senior officials in Kinshasa on 19 May. The Namibian Head of State had come to the Congolese capital to participate in a summit meeting of allies.

33. President Nujoma stressed that his country's forces and those of the other members of the Southern African Development Community (SADC) allied with the Government of the Democratic Republic of the Congo had been invited by the legitimate Government of the country in order to prevent "chaos". He drew a sharp distinction between the allies and the "aggressor" forces of Uganda, Rwanda and Burundi, calling on the Security Council to apply sanctions against those countries. The aggressors had armed and encouraged Congolese rebels, "who had killed two and a half million people" without any objection from the Security Council.

34. In response, members of the Security Council mission recalled that the Lusaka Agreement made no distinction between "invited" and "uninvited" forces. That distinction had, however, been made clear in Security Council resolutions. The Council had indeed taken action in the Democratic Republic of the Congo; MONUC was deploying more than 2,000 troops and military observers as the parties completed the disengagement of their forces from the confrontation line. More would be sent if the parties continued to carry out their plans.

Meeting with President Mugabe

35. The Security Council mission met with President Mugabe in Kinshasa on 19 May. The Zimbabwean Head of State had come to the Congolese capital to participate in a summit meeting of allies. The Minister for Foreign Affairs, Stanislaus I. G. Mudenge, also attended the meeting. The questions raised included when and through what modalities Zimbabwean troops would be withdrawn; President Mugabe's recent meeting with President Kagame in Harare; the possible retention by some of the signatories of the military option; and the cooperation of the Government of Zimbabwe with the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo.

36. President Mugabe said that Zimbabwean troops would withdraw in accordance with the same principles that had required their original deployment, and after their original goals had been met. It would also be necessary to ensure, perhaps through the institution of mechanisms under Chapter VII of the Charter of the United Nations, that there was no risk of the return of Ugandan, Rwandan and Burundian troops. To do otherwise would be "foolish", and would raise the question why Zimbabwean troops had been committed in the first place. Zimbabwe would perform all acts required of it under the Lusaka Agreement, said the President, "but the invaders must go first, and we must be sure they are out before our last man leaves". All the forces had now disengaged, except for those of FLC. The Zimbabwean Head of State expressed willingness to work with Rwanda in this effort.

37. President Mugabe informed the Council mission that President Kagame had come to see him to discuss progress in the peace process, particularly with reference to the armed groups. Though President Kagame had claimed to have seen no progress in that direction, it had in fact been considerable, continued President Mugabe. Zimbabwean forces had identified and "processed" quite a number of them. President Kagame had told President Mugabe that he would now use this information in making his plans.

38. Turning to the Panel of Experts, President Mugabe stated that they had asked him no direct questions during their visit to Zimbabwe. Since its

entry into the conflict in the Democratic Republic of the Congo had exhausted its resources, Zimbabwe had asked the Government of the Democratic Republic of the Congo to bear the costs. Being unable to do so, President Laurent-Désiré Kabila had suggested a partnership to develop the natural resources of the Democratic Republic of the Congo, sharing the profits equally. In the event, however, the diamond mine offered to his Government had yielded nothing significant. His Government would be happy to provide details, since Zimbabwe had nothing to hide.

Meeting with Jean-Bosco Ndayikengurukiye

39. While in Kinshasa, the Security Council mission met with Jean-Bosco Ndayikengurukiye, the leader of the Front pour la défense de la démocratie, an armed group that had not participated in the peace process facilitated by Mr. Mandela.

40. During the meeting, Mr. Ndayikengurukiye handed the members of the mission a memorandum explaining why FDD rejected the Arusha process, and setting out steps that the international community had to take to help resolve the conflict in Burundi. In the view of FDD, democrats were engaged in a struggle against a military dictatorship that had been in power since 1966. The country's first democratically elected Head of State, President Melchior Ndadaye, had been assassinated, and the constitution of 1992 violated. FDD believed that any resolution of the conflict should be based on the 1992 constitution and should lead to the formation of a new army in accordance with and subject to that constitution.

41. Mr. Ndayikengurukiye said that FDD rejected the Arusha peace process primarily because it called for an immediate ceasefire before addressing the reasons behind the armed struggle. At the same time, he reiterated that FDD was ready to negotiate with the army to restore peace in Burundi. FDD wanted President Bongo to be appointed as co-facilitator to work together with former President Mandela. FDD further requested the dismantlement of camps, the immediate liberation of political prisoners, and the establishment of a human rights commission.

42. Mr. Ndayikengurukiye then suggested a four-phase peace plan involving the formation of new security and defence forces; an end to hostile media campaigns; negotiation of the modalities of implementation of the framework agreement; and a ceasefire agreement. The Government would establish a criminal tribunal, form new national security and defence forces, organize the return of refugees, reorganize the national administration and organize elections.

43. All members of the mission then presented to the FDD leader a very clear and strong message: there was no prospect of military victory in the Burundi conflict; the only way to resolve it was through peaceful negotiations; any party which came to power through the use of force could expect nothing but rejection from the international community; while, by contrast, all those who engaged in negotiations towards a peaceful settlement could expect international support, including the $400 million pledged by donors at the Paris conference in December 2000.

44. On the issue of the possible involvement of President Bongo as co-facilitator, the members of the mission invited Mr. Ndayikengurukiye to discuss this matter with Mr. Mandela if he thought it would be helpful. The Representative of the Secretary-General in Burundi, Jean Arnault, who was present at the meeting, enjoyed the full confidence of the Security Council and was ready to assist. The Council was prepared to discuss other forms of assistance, such as strengthening the facilitator's office, establishing a verification commission and perhaps considering the creation of a tribunal. However, unlike FDD, members insisted that a ceasefire should be first on the list of priorities, not last.

45. In response to what he called this "unambiguous" message from the Council mission, Mr. Ndayikengurukiye stated that he had never envisaged a military solution to the problems of Burundi. He explained that resistance to the army was essentially spontaneous on the part of the people, and that it had only recently taken on an organized form. He stressed the need for a coherent approach to resolving the conflict in his country.

Meetings with Congolese civil society, religious groups and political parties

46. On 20 May the members of the Security Council mission met with representatives in Kinshasa of civil society, religious groups and political parties. The meetings were thus held immediately following President Kabila's announcement on the day of the arrival of the Security Council mission in Kinshasa, 17

May, of the Government's intention to promote dialogue between all Congolese aimed at national reconciliation. The President had stated that that objective could be achieved only if the representatives of the people from different provinces played a real part in that forum, which must not be the concern of politicians alone.

47. In his statement, President Kabila had also announced the promulgation of a law on the organization and functioning of political parties, effectively repealing decree 194, which restricted political party activities. Other measures announced included a partial amnesty and steps to improve the economy.

48. The main points of view that emerged from the discussions between the Security Council mission and the Congolese participants included the urgent need of the Democratic Republic of the Congo for international assistance, including considerably augmented assistance from the United Nations; their insistence on a democratic political structure for the Democratic Republic of the Congo, without privilege for those who had resorted to armed force; support for the Lusaka Agreement and the inter-Congolese dialogue, which should take place, if possible, in the Democratic Republic of the Congo; the need for the completion of phase II and the further deployment of MONUC for phase III; deep concern at the illegal exploitation of the country's natural resources and the role being played in that exploitation by Uganda, Rwanda and Burundi; serious human rights violations throughout the country, particularly those directed against members of the unarmed opposition, the clergy, women and children, and those resisting foreign occupation; the need to disarm, demobilize, reintegrate and resettle the armed groups identified in the Lusaka Agreement; humanitarian concerns; and the prospects for the future.

49. Outside the hotel where the meetings were held, a crowd of several hundred people demonstrated peacefully, calling on President Kabila to resign and voicing support for political parties and for democracy.

Visit to Mbandaka

50. On 20 May, the mission visited sector 1 headquarters at Mbandaka, in Équateur Province, the deployment location of the 280-strong Senegalese guard unit and the future site of the Uruguayan riverine unit. The mission was informed that a total of seven verification and monitoring teams were to be established in sector 1, at Gemena, Gbadolite, Makanza, Basankusu, Bolombo and Befale. Since sector 1 was the last of the four sectors to receive deployment, verification began only on 10 May. Consequently, verification had been completed at only one of the 10 sites to be verified.

51. The head of the mission took the opportunity of the mission's visit to Mbandaka to announce officially the reopening of the River Congo from Kinshasa to Kisangani. Declaring, to applause, that it was time to build peace, he stated that the forthcoming deployment of the MONUC riverine units would stimulate an economic renaissance in the country. Calling on all parties to disengage in accordance with the Harare plan, the head of the mission added that no ceasefire violations would be tolerated.

Meeting with the Government of the Democratic Republic of the Congo

52. Shortly before leaving Kinshasa, on 21 May, the Security Council mission met again with Government Ministers to discuss a range of issues related to the conflict in the Democratic Republic of the Congo, and released a statement to the press on its visit (see addendum to the present report).

Meeting with President Chiluba

53. The Security Council mission met with President Chiluba in Lusaka on 22 May. While noting "encouraging" progress in many areas, the Zambian Head of State invited the Security Council to increase the size of the peacekeeping force when it considered the renewal of the mandate of MONUC in June. President Chiluba attributed to the Security Council the fact that the countries of the region had now gathered sufficient political will to advance the peace process.

54. Members of the mission stressed their deep appreciation of the role played by President Chiluba in supporting the peace process, and stressed their own conviction that the Lusaka Agreement was the only framework within which peace could be restored to the region. It was agreed that all foreign forces should leave the Democratic Republic of the Congo, whether invited or not.

Meeting with the Political Committee

55. The Security Council mission spent the afternoon of 22 May with the Political Committee discussing in great detail the questions of the withdrawal of all foreign forces from the territory of the Democratic Republic of the Congo and the disarmament, demobilization, reintegration and repatriation or resettlement of the armed groups identified in the annex to the Lusaka Ceasefire Agreement.

56. Five main topics were considered at the meeting, namely, the completion of the disengagement exercise; the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo; the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups; the co-location of the Joint Military Commission with MONUC; and the demilitarization of Kisangani.

57. At the outset of the meeting, which was opened by President Chiluba, it was announced that FLC had committed itself to disengaging its forces from their present positions in accordance with the disengagement plan by 1 June, and that MONUC military observers would deploy in Équateur Province during the coming week. Supplementing that announcement, the Chairman of the Political Committee, Minister Patrick Mazimhaka (Rwanda), said it would soon be possible to enter phase III. Planning for the third phase should therefore begin.

58. General Mwaniki, the Chairman of the Joint Military Commission, then reported that a plan had been drawn up for the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo (see addendum to the present report), starting from the new defensive positions to which they had redeployed in accordance with the disengagement plan. After some discussion, it was confirmed that D-Day, the starting date for the timetable, should be 22 February, the date of the adoption by the Security Council of resolution 1341 (2001). Pursuant to the three-phase plan, the foreign forces would complete their withdrawal in accordance with the agreed timetable.

59. Members of the Security Council mission insisted that the parties should provide the necessary detailed information concerning the numbers, locations, assembly areas, withdrawal routes and timetables in order to allow the United Nations to make its own plans to assist the parties and to monitor the process.

60. Members stressed that it was necessary to advance the peace process step by step. The disengagement plan and the ceasefire should be strictly observed, and parties responsible for violations should bear the consequences. Direct dialogue between the Heads of State concerned was particularly important, with the objectives of national reconciliation internally, and the reconciliation of all the countries in the region. The Security Council would continue to keep the situation under very close review.

61. Discussion then turned to the plan for disarmament, demobilization, reintegration and repatriation or resettlement adopted by the Political Committee (see addendum to the present report). Members of the Security Council mission made it clear that the plan should be carried out against the background of close cooperation between President Kabila and President Kagame. Its terms should be strictly adhered to, and United Nations assistance would be provided taking into consideration the level of commitment shown by the parties in their compliance with the plan. The first essential was for the parties to provide the information required, including the numbers, locations and armaments of the various armed groups, and the proposed sites of their demobilization areas. In that connection, the mission expressed concern that the current level, content and frequency of the bilateral contacts between the Governments involved might not be sufficient to ensure the necessary cooperation.

62. However, Foreign Minister Mudenge of Zimbabwe assured the Security Council mission that, by comparison with the previous year, relations between the signatory parties, certainly at the ministerial level, were greatly improved. A good working environment had developed among the members of the Political Committee.

63. Members of the Security Council mission put several additional questions concerning the intentions of signatories and their willingness and ability to carry them out in accordance with the plans they had approved. They cautioned strongly that the Security Council expected to see steady, consistent progress and strict adherence to all agreements and timetables. The momentum must be maintained, and violations would not be tolerated.

64. Members stressed that it was essential that the parties adhere strictly to the adopted timetable and

provide all the necessary information concerning positions, numbers, armaments etc. To date, only Uganda had done so in the necessary detail. On the basis of the information to be provided, MONUC would have to draw up plans and modalities for the assistance the United Nations was to provide. This could not be done before the mandate of MONUC expired on 15 June unless the information was available in New York on 1 June at the latest. Only then would it be possible to use it as the basis for the recommendations in the report of the Secretary-General.

65. The question of the co-location of the Joint Military Commission with MONUC was described as a technical, rather than a political, issue. Although objections had been expressed to Kinshasa as the site of the co-location on the grounds of security, the arrival there of the Tunisian contingent on 20 May had removed that concern. Members of the mission urged the Political Committee to approve the co-location of the Joint Military Commission with MONUC in Kinshasa without further delay.

66. Members of the mission then raised the matter of the demilitarization of Kisangani, pursuant to Security Council resolution 1304 (2000). Although Rwanda and Uganda had both withdrawn their troops from the city in compliance with that resolution, RCD remained there in force. Despite the destruction caused by the fighting, Kisangani had the potential to become a symbol of rebirth in the Democratic Republic of the Congo. The current civil administration, including the police, could remain, but the RCD troops must leave. MONUC Moroccan troops would provide the necessary security, and could even be reinforced.

67. The Secretary-General of RCD, Azarias Ruberwa, strongly objected to this demand. RCD had not been named in resolution 1304 (2000), and in any case the Security Council had no right to order Congolese to withdraw from Congolese territory. Moreover, RCD had been the most compliant party so far, disengaging all their troops without delay.

68. Members of the mission pointed out in response that resolution 1304 (2000) was directed explicitly at both foreign and Congolese armed forces, including RCD. In accordance with the disengagement plan, it was indeed justifiable to demand that Congolese soldiers withdrew from positions on Congolese territory. RCD had done exactly that, as Mr. Ruberwa had just confirmed, in complying with the disengagement plan. The RCD forces must withdraw from Kisangani.

69. The Security Council mission warned RCD not to mistake the strength of purpose of the Security Council, which maintained its insistence on the implementation of its resolutions through all difficulties and delays. It would be better for RCD to respond to the Security Council's demand with reflection rather than defiance. RCD should not protest too much, or assume the role of accuser when they themselves stood accused. They must comply.

70. The Security Council mission and the Political Committee adopted a joint communiqué at the close of the meeting (see addendum to the present report).

Meeting with RCD (Goma)

71. Following the meeting of the Political Committee, members of the Security Council mission met informally with the Secretary-General and other officials of RCD (Goma) for a general exchange of views, including on the situation in Kisangani.

Meeting with the signatories of the Arusha Agreement

72. The Security Council mission met with the signatories of the Arusha Agreement at Bujumbura on 24 May, stressing the Council's determination to help the whole region establish lasting peace and stability.

73. Speaking on behalf of a number of allied parties, the President of INKINZO, Alphonse Rugambarara, recalled that six parties of the G-7 had designated Domitien Ndayizeye as their candidate for the transitional leadership, while eight parties of the G-10 had chosen Colonel Bayaganakandi. Mr. Rugambarara said that the signatories were still awaiting a reaction from Mr. Mandela. Mr. Rugambarara called on the Government of Burundi to work with the G-7 and G-10 parties so that they could jointly undertake the negotiations with the armed groups. If the rebels refused to negotiate, sanctions should be imposed on them.

74. The Vice-President of the National Assembly, Mr. Nzojibwami, noted that, under current circumstances, the Arusha Agreement could not be implemented. Rebels based in the Democratic Republic of the Congo were now moving to Burundi. The National Assembly

called on the Security Council to take all possible measures to help end the war in his country. The Assembly requested that the mandate of MONUC be extended to cover Burundi's borders with the Democratic Republic of the Congo and the United Republic of Tanzania in order to prevent infiltration of rebels into Burundi.

75. Another participant, speaking on behalf of the Front pour la démocratie au Burundi (FRODEBU), the Parti libéral (PL), the Parti du Peuple (PP), and the Rassemblement du peuple burundais (RPB), said the Government's "undemocratic" actions had reduced its capacity to effectively discharge its functions, and it no longer had sufficient credibility to negotiate a ceasefire with the rebels. On the transitional leadership issue, the PP representative called on the facilitator and the region to convene another summit to assess the results of the consultations of 19 and 20 March among the parties. He expressed the view that the Government was using the non-return of political leaders in exile as a pretext for not moving forward with implementation.

76. The Minister of Justice, Térence Sinunguruza, representing the Government, said that the signing of the Arusha Agreement had brought a sense of relief to the Burundian people. However, the transitional institutions outlined in the agreement depended on the existence of a ceasefire. The Minister said the implementation of the Lusaka Agreement was having a negative impact on Burundi, and that Lusaka could pose even more serious problems for Burundi in the future if it were not implemented completely, including with the disarmament of the armed groups. Burundian rebels, ex-FAR, Interahamwe and other groups were now moving from the Democratic Republic of the Congo into Burundi. He added that it was particularly important that the United Republic of Tanzania help create the conditions that would permit implementation of the Arusha Agreement.

77. The representative of the Parti pour le redressement national (PARENA), Rémy Nkengurutse, said that the conclusion of a ceasefire agreement was crucial to the Arusha peace process. Only after a ceasefire was obtained could the agreement be implemented and transitional institutions set up. He called on the Security Council to apply sanctions against the rebels and to ensure that they did not receive support from other Governments.

Meeting with President Buyoya

78. President Buyoya said that the Burundian peace process was unusual in the sense that the Arusha Agreement had been signed before a ceasefire agreement had been concluded. Nevertheless, the Government had signed the Arusha Agreement because of immense pressure exerted by the facilitator and the international community, and because of assurances that a ceasefire agreement would be obtained shortly after. However, nine months after the signing, there was still no ceasefire and the armed groups had not joined the process. Though a number of meetings had been held, it was clear that FDD was not ready to negotiate.

79. Violence had been exacerbated in recent months as a result of progress in the Lusaka peace process, said President Buyoya. He noted that the disengagement of forces in the Democratic Republic of the Congo had corresponded to the movement of FDD, ex-FAR and Interahamwe rebels into Burundi. According to President Buyoya, elements of the FAC, FDD, FNL, Mayi-Mayi, ex-FAR, Interahamwe and ex-FAZ (Forces armées zaïroises) were all entering Burundi, through various routes, from the Democratic Republic of the Congo and the United Republic of Tanzania. Some of these elements, he asserted, were being armed by the Democratic Republic of the Congo and Zimbabwe.

80. President Buyoya estimated that FDD currently had about 10,000 fighters, based in the Democratic Republic of the Congo and the United Republic of Tanzania, while FNL had between 3,000 and 3,500 troops, mostly based north of Uvira in the Democratic Republic of the Congo. FDD recruited the majority of its fighters from the Tanzanian refugee camps, located between 10 and 40 km from the Burundian border, said the President. Over the past few months, the security situation along the Burundian/Tanzanian frontier had become so serious that there was now almost an "open state of war". The situation could even lead to the emergence of a new regional conflict, centred on Burundi.

81. President Buyoya said the armed groups had chosen the military option, and must be persuaded to negotiate. If the rebels refused, then the region should impose sanctions against them, as promised at the Nairobi summit in September 2000. The Security Council should ensure that the Democratic Republic of the Congo fulfilled its Lusaka obligations by disarming

FDD and FNL forces based in the Democratic Republic of the Congo. President Buyoya also expressed the view that MONUC should be extended to cover Burundi's borders with the Democratic Republic of the Congo and the United Republic of Tanzania.

82. Turning to the issue of the transitional leadership, President Buyoya said that without a ceasefire, all efforts to implement the Agreement would remain precarious. He noted that there was still no consensus among the signatories on the designation of the transitional president and vice-president. However, the Government was in favour of implementing all provisions of the Agreement that were implementable without a ceasefire and a decision on the transitional leadership. President Buyoya said he was willing to establish a transitional government at once, with the involvement of all political leaders who were currently able to participate, and other politicians could be integrated at a later stage.

Meeting with President Mkapa

83. President Mkapa said he was encouraged by signs of progress in the peace process in the Democratic Republic of the Congo, and hoped that the positive momentum could be sustained. The President expressed the view that the inter-Congolese dialogue should start as soon as possible and should be as inclusive as possible with a view to establishing a consensus among the Congolese on a new political framework for the Democratic Republic of the Congo. He also stressed the importance of ensuring that RCD had a place in the new political dispensation and the new national army. The President expressed concern at what he called the growing tendency to criticize the "aggressors" of the Democratic Republic of the Congo and to belittle the potential dangers of the armed groups for the security of Rwanda, Uganda and possibly Burundi.

84. Regarding the situation in Burundi, President Mkapa gave a brief history of the Regional Peace Initiative, from which the Arusha peace process had stemmed. The agreement provided a vision for a new Burundian society. He said that the armed groups outside the Arusha process should not be perceived merely as negative forces. They were "military expressions of political intent". The issue of the negative forces was not so simple and even some of the Arusha signatories could be perceived as containing "negative forces", including the Government.

85. On the question of whether a ceasefire should precede the transition, he expressed the view that the establishment of a transitional government would give hope to the Burundian population and would show that real change was on its way. This could in turn give impetus to the ceasefire negotiations and could provide the region with the "moral authority" to play a more active role in the ceasefire issue. The Buyoya Government, however, had done nothing to promote the start of the transition, and President Mkapa feared that President Buyoya's insistence on concluding a ceasefire agreement before starting the transition would merely prolong the process.

86. Concern was expressed that the situation in Burundi and the impasse in the Arusha peace process would worsen unless a new "catalyst" was found to push the process in a positive direction. Examples of such a potential new catalyst could include increasing the involvement of the region, searching for new compromises among the Burundian parties, or improving the "chemistry" between the Burundian and Tanzanian leaders. The Security Council was prepared to support any viable proposals, but they had to come from the region itself, not from the Council. The position of the Council was to support the Arusha process and the facilitator. There could be a role for other actors, including perhaps President Bongo, as long as such efforts were authorized by Mr. Mandela and recognized as being part of a single mediation process.

87. President Mkapa cautioned that anger towards Burundian refugees was growing in the United Republic of Tanzania, even among the country's religious leaders, and he was therefore seriously considering sending the refugees back home. On the issue of finding a new catalyst for the peace process, he suggested that the Council mission raise the issue with President Museveni and persuade him, in his capacity as Chairman of the Regional Peace Initiative on Burundi, to convene another regional summit as soon as possible. Such a summit would provide the opportunity for the region to take up the mission's suggestions and views.

Meeting with FNL

88. The representative of FNL, who met with the Security Council mission at Dar es Salaam on 24 May, said his organization sought an in-depth solution to the crisis in Burundi and did not support the Arusha

approach to end the conflict through power sharing. FNL was fighting for social justice and for the respect of human rights, and the aim of its military struggle was not to seize power but to put pressure on the Government and compel it to negotiate. The FNL representative regretted that the United Nations was not more fully involved in Burundi and that its engagement did not go beyond supporting the efforts of the region. The United Nations should urge President Buyoya to be "reasonable", accept the principles of social justice, and open a dialogue with FNL. Negotiations should take place on Burundian soil.

89. Members of the Security Council mission said it was not acceptable to use force, even if the objective was to promote social justice. The Security Council supported the Arusha peace process and the mediation efforts of Mr. Mandela. The political objectives of FNL should be pursued through political means and not military ones. In response, the FNL representative reiterated that his organization was not responsible for the violence in Burundi, that military struggle was not an end in itself, that FNL was ready to negotiate with President Buyoya, and that the United Nations should play a greater role in urging him to do so.

Visit to the Gisozi genocide memorial site

90. Upon arrival in Kigali on 24 May, the Security Council mission paid a brief visit to the Gisozi genocide memorial site, where the head of the mission laid a wreath.

Meeting with Rwandan civil society

91. The mission met with a number of civil society organizations, including genocide survivors, women's groups and commercial associations. They expressed concern about the insecurity in the region, even warning that another genocide might be in the course of preparation. The representative of the genocide survivors said the international community should consider compensation for those who had survived the Rwandan genocide. Representatives of a private bank based in Kigali and the umbrella group for the Rwandan private sector complained of the allegations made in the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, and other speakers said the report (S/2001/357) had been written without consultation with them and contained serious inaccuracies. They requested that compensation be considered, or at least the right of reply.

92. Noting that this was not the purpose of the mission's visit, members pointed out however that the Security Council had extended the mandate of the Panel of Experts in order to allow it to complete its work on the basis of fuller information. This would involve listening to those who felt they had been unfairly criticized in the report. Members also replied to participants' questions concerning the implementation of the programme for the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups, briefing them on the mission's meeting with the Political Committee in Lusaka on 22 May.

93. Representatives of a women's group said the peace process in the Democratic Republic of the Congo should be harmonized with the Burundi process on the basis of the Arusha Agreement. They also expressed appreciation for the adoption by the Council of resolution 1325 (2000) on the role of women in peace negotiations, but hoped that this would be followed up in specific ways.

Meeting with Rwandan Government Ministers

94. Immediately after the meeting with Rwandan civil society, the Security Council mission met with the Minister for Foreign Affairs, André Bumaya, and other Government Ministers to discuss a range of matters connected with the conflict in the Democratic Republic of the Congo. Ministers made it clear that the Government of Rwanda insisted on the full disarmament, demobilization, reintegration and repatriation or resettlement of armed groups and substantial progress in the inter-Congolese dialogue before withdrawing their forces from the Democratic Republic of the Congo.

95. Minister Mazimhaka, the Special Envoy in the Office of the President, and currently Chairman of the Political Committee, noted that the Government of Rwanda was still prepared to work with the allied Governments despite their statement to the press on 19 May accusing Rwanda of genocide in the eastern Democratic Republic of the Congo, and the release by the Government of the Democratic Republic of the Congo of a report of a commission of inquiry blaming Rwanda and Uganda in the assassination of President Laurent-Désiré Kabila. The Minister also expressed doubt that outside aid to the armed groups had ceased,

as called for by the Council in resolution 1304 (2000). Members of the mission assured Minister Mazimhaka that the Security Council mission would arrive at its conclusions independently of statements made by the allied Presidents, or in the report of the commission of inquiry of the Government of the Democratic Republic of the Congo.

Meeting with President Kagame

96. The Security Council mission then met with President Kagame for further discussion of the items raised with the Ministers, and of the report of the Panel of Experts.

97. President Kagame identified three elements of the next phase of the peace process in the Democratic Republic of the Congo: disarmament, demobilization, reintegration and repatriation or resettlement of armed groups, the inter-Congolese dialogue, and the withdrawal of foreign forces, in that order. Though some progress had been made, the Rwandan Head of State was concerned at the new distinction that had arisen between "invited" and "uninvited" forces, or "aggressors" who might be subjected to sanctions. It was necessary for all foreign forces to withdraw from the Democratic Republic of the Congo, said the President.

98. Rwandan troops were in the Democratic Republic of the Congo, continued President Kagame, because of his Government's concern about the security of its borders. If the Security Council could guarantee security, he would be prepared to withdraw at once from the territory of the Democratic Republic of the Congo. Though some appeared to doubt the validity of these security concerns, it had been underscored by the cross-border incursions of the past few days, which the Rwandan army had dealt with "quite adequately", said the President. He also expressed concern that some actors were taking advantage of the peace process to push fighters eastwards from the Democratic Republic of the Congo towards Rwanda and Burundi. Though the coming to power of President Joseph Kabila had certainly improved the situation, it was not enough. In response to a question, President Kagame stressed that the maintenance of good relations between the Head of State of the Democratic Republic of the Congo and Rwanda was necessary, but was not in itself sufficient to lead to a resolution of the conflict. Other actors, including members of the Government of the Democratic Republic of the Congo and other Heads of State, were also part of the equation.

99. It was noted that, in their meetings with the Security Council mission, even the allies of the Government had acknowledged Rwanda's legitimate security concerns, asked if the Government of Rwanda was pursuing its own enquiries into the allegations made by the Panel of Experts on the illegal exploitation of natural resources. President Kagame replied that his Government's internal procedures were following up the allegations, but said that there might be a need for more vigilance. Rwandan citizens were however asking why they had been wronged by the Panel's report. The President also questioned why the members of the Panel had concentrated only on one side in the conflict, to the point where they had even omitted from the report material they had been given concerning activities on the other side. The report was deeply flawed, said President Kagame, who asked the Security Council to treat the matter fairly.

100. The Security Council mission assured President Kagame that the Security Council attached the greatest importance to the security of Rwanda. There could be no peace in the Great Lakes region unless there was peace in Rwanda.

Meeting with Jean-Pierre Bemba

101. The Security Council mission met with the leader of FLC, Jean-Pierre Bemba, in Kampala on 25 May. Mr. Bemba stressed his organization's commitment to the Lusaka Agreement, saying that FLC and other rebel movements had played a critical role in "forcing" the late President Kabila to sign the Agreement. FLC welcomed President Joseph Kabila's readiness to move ahead with the inter-Congolese dialogue and to resume the cooperation of the Government of the Democratic Republic of the Congo with the neutral facilitator. FLC was ready to do its utmost to accelerate the process leading to the dialogue.

102. Mr. Bemba added that FLC had agreed to disengage in phases. At the same time, he requested that the administration of the vacated areas should remain under FLC control, as was the case for Kisangani. Maintaining administrative control over vacated areas was crucial to ensuring the protection of the population, which feared for its safety as the Congolese Armed Forces were about to replace FLC forces.

103. The question was however raised whether FLC was entitled under the Harare disengagement plan to maintain its administration in zones occupied by the Congolese Armed Forces. Expressing their concern, the members of the mission said the Council would react sharply if FLC did not disengage to the agreed position as from 1 June, as stipulated in the joint communiqué adopted by the Security Council and the Political Committee. The members of the mission reiterated the Council's readiness to deploy human rights observers to areas vacated by FLC.

104. Mr. Bemba assured the members of the mission that FLC would disengage as planned. He also stressed the need for the foreign forces to withdraw as soon as possible. With regard to the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups in Équateur Province, he was concerned that the Government had not provided the necessary information regarding these groups. He also stressed his commitment to the reopening of the River Congo from Kinshasa to Kisangani and promised to inquire into the killing of the ICRC workers in the Ituri province. He criticized the report of the Panel of Experts on the illegal exploitation of natural resources for not basing its conclusions on hard evidence.

Meeting with President Museveni

105. In a review of the historical background of the conflicts in the Great Lakes region, President Museveni noted that the problems in the wider region had been accumulating over the decades and were compounded because of lack of attention by the international community. As a result, a confrontation in one country had had significant side effects in another. For example, "because it had never been attended to", the genocide in Rwanda in 1959 had generated a flow of Rwandan refugees to neighbouring countries (Congo, Burundi, Uganda) and resulted in the first massacres in Burundi in 1965.

106. While reiterating his commitment to the Lusaka Agreement, President Museveni expressed concern at the delay in its implementation. Hence the need to urge President Kabila and his allies to implement it and not to attempt to revise it. Uganda, for its part, had respected the agreement it had signed when it decided to withdraw from Kisangani. Perhaps, he said, the demilitarization of the city, which was high on the Council's agenda, could now be achieved. President Museveni added that Uganda intended within the next three weeks to withdraw its forces from the Democratic Republic of the Congo and the north-eastern part of the country — with the exception of Buta, Bunia and the Ruhenzori mountains — because it "did not want to be responsible for the old and new mistakes" that were being committed there. He said that most of the remaining battalions would be withdrawn and only a few would remain, without however providing exact figures in that regard. Uganda's withdrawal would not affect its participation in the Lusaka Agreement. President Museveni also said he had advised Mr. Bemba to stick to the disengagement plan, and believed that it would be possible to convince Mr. Bemba to stay on the political path.

107. On Burundi, President Museveni recalled that sanctions had forced President Buyoya to join the peace process, and said that, in the same vein, sanctions should be imposed on the rebel groups in Burundi and on those who supported them if they failed to adhere to the Arusha process. He said that he was going to call for a meeting of the region to discuss the proposal. Since the rebels' supporters might possibly be targeted by the sanctions, it would be important, in that case, to also involve the United Nations and SADC, in addition to the countries of the region.

108. In response to remarks made by members of the mission, President Museveni severely criticized the Panel of Experts on the illegal exploitation of natural resources for its conduct of its work but added however that, despite his Government's grievances against the report and its authors, his Government had decided to establish a commission of inquiry to look into its conclusions. The Security Council mission noted this intention.

109. On the international conference for the Great Lakes region, President Museveni was of the view that it should be held only once a minimum of peace had been restored in individual countries of the region, notably in Burundi, Rwanda, the Democratic Republic of the Congo, and the Sudan. President Museveni called on the Security Council to play a more active role in the Great Lakes region. With regard to regional efforts to move ahead with the peace process, he believed that it would be important to avoid a multiplicity of mediators.

110. Members of the mission reiterated the Council's strong commitment to ensuring full implementation of

the Lusaka Agreement and supporting any regional initiative to revitalize the process. It was also highlighted that the spirit of tolerance and continued dialogue among the various peoples, religions and cultures of the Great Lakes region had to prevail in order to promote a lasting peace there. Members of the Council welcomed Uganda's decision to establish a commission of inquiry to look into the conclusions of the Panel on the illegal exploitation of natural resources of the Democratic Republic of the Congo.

III. Conclusions and recommendations

The situation in the Democratic Republic of the Congo

111. The Security Council mission found much that was encouraging in its visit to the Great Lakes region. For the first time since the outbreak of the conflict, the outlines of a solution appeared to be taking shape. The Security Council mission stresses the urgency of taking advantage of this window of opportunity. Prominent among these positive indications was the attitude towards the peace process and towards MONUC of President Joseph Kabila, who is clearly committed to the implementation of the Lusaka Ceasefire Agreement and the restoration of peace and democracy to the Democratic Republic of the Congo. Renewed commitments were expressed by the other parties to the Agreement. The Security Council mission expects the Government of the Democratic Republic of the Congo and all parties to live up to their commitments in full, to continue to cooperate closely with MONUC and to discharge their responsibility for the security of United Nations personnel.

112. The mission found that the ceasefire had continued to hold over the past four months, and that disengagement of the belligerents' forces from the confrontation line had been accomplished, pending final verification, in three of the four military sectors. It was also encouraging that MONUC had been able to deploy its guard units and military observers successfully to their designated locations.

113. The attitude of the Congolese people, as reflected by a wide range of civil society organizations, religious groups and opposition political parties whom the Council mission met in Kinshasa and elsewhere, suggests that the country is eager to move forward towards national reconciliation, democratization and development, with respect for human rights and fundamental freedoms in a climate of political plurality. The announcement by President Kabila, on the day of the Security Council mission's arrival in Kinshasa, of the repeal of decree 194, which had banned political parties, was a significant step towards re-energizing the political environment and raising hopes.

114. Nonetheless, serious obstacles remain. The implementation of the letter and the spirit of the Lusaka Ceasefire Agreement will remain difficult in practice as long as the sequencing of the disengagement and withdrawal of forces is viewed subjectively by the parties.

115. The Council mission remains concerned about the reluctance so far of Jean-Pierre Bemba, the leader of FLC, to disengage his forces, which are some 100 km in advance of the positions they ought to be occupying pursuant to the Harare disengagement plan. While the announcement made at the meeting with the Political Committee that FLC is prepared to disengage is welcome, the Security Council must continue to monitor the situation closely as MONUC civilian and military observers deploy in Équateur Province.

116. The promising plans for the total withdrawal of all foreign forces from the territory of the Democratic Republic of the Congo and the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups that have been drafted by the Political Committee must be finalized as quickly as possible. Detailed operational subplans must be drawn up and signed by the military commanders of all parties. The first requirement is for all parties that have not already done so to submit, by early June at the latest, the information required in the necessary detail, to enable MONUC and the Secretary-General to determine whether it constitutes a sufficient basis for United Nations planning for the third phase.

117. In this connection, the mission reaffirmed the respective obligations of the parties as specified in the resolutions of the Security Council, including resolution 1304 (2000), particularly that all foreign forces must withdraw from the Democratic Republic of the Congo. This withdrawal must be conducted in a phased and orderly manner and proceed on a mutual and reciprocal basis according to pre-negotiated plans accepted by all the parties.

118. While the Council mission took a positive view of recent developments in the conflict in the Democratic Republic of the Congo, momentum could easily be lost. The signatory parties must accept their primary responsibility for the implementation of the Agreement. The Security Council, as it contemplates taking decisions that would commit significant human and material resources, will need to judge its responses in the light of the progress demonstrated by the parties themselves.

119. Nevertheless, the mission is conscious that the strong desire of the Congolese people for peace, national reconciliation and development, which was clearly apparent during its visit to the region, and the relative success so far of the ceasefire, require intensified United Nations action.

120. Accordingly, the Security Council mission recommends that the Security Council be prepared to consider, on the basis of specific recommendations to be submitted by the Secretary-General in his forthcoming report, approving a transition to phase III of the activities of MONUC. The Council mission understands that any recommendations the Secretary-General might make are subject to the continuing cooperation of the parties and their timely submission of the necessary detailed information. During that phase, MONUC would assist the parties in carrying out their plans for the phased withdrawal of all foreign forces from the territory of the Democratic Republic of the Congo and for the disarmament, demobilization, reintegration and repatriation or resettlement of armed groups.

121. The co-location of the Joint Military Commission with MONUC would help to allow the two bodies to coordinate military planning for the coming stages of operations. Most of the practical difficulties, including the provision of office accommodation and facilities, now appear to the Council mission to have been resolved. The arrival on 20 May, during the mission's visit, of the Tunisian security contingent, should remove any further concerns about the security of JMC members. The mission recommends that the Security Council should call on the Political Committee to direct the Joint Military Commission to co-locate with MONUC in Kinshasa forthwith or, alternatively, to show what further contribution to the process the Commission could make in its current situation.

122. The Security Council mission left RCD and the Political Committee in no doubt of the imperative need to demilitarize the city of Kisangani without further delay. The persistent presence of RCD forces in the town, which the Council ordered demilitarized in its resolution 1304 (2000) is a violation of that resolution. The mission invites the Security Council to consider further measures to promote compliance with resolution 1304 (2000), perhaps on the recommendation of the Secretary-General. In the context of the demilitarization of Kisangani, consideration of the broader role that the city could play in the economic and political life of the country should be envisaged.

123. The Council mission is aware of serious concerns over the safety and security of the civilian population in the areas to be evacuated by the withdrawal of foreign forces. Some form of civil administration, including a police presence, will be essential. The mission is aware of President Kabila's position that the Government of the Democratic Republic of the Congo should undertake this responsibility. Even if this position were generally accepted, the Government would be likely to face serious financial, organizational and logistical problems in attempting to extend local administration to areas formerly held by foreign forces. These serious concerns have to be addressed by the Congolese parties in the context of the inter-Congolese dialogue. Subject to any decisions that may be taken pursuant to that dialogue, the Security Council may wish to consider any specific support measures that might be proposed in the Secretary-General's forthcoming report on MONUC.

124. The disarmament, demobilization, reintegration and repatriation or resettlement of armed groups is the key to ending the conflict in the Democratic Republic of the Congo. Resolving the remaining problems would remove any need for foreign troops to remain in the east of the country, immeasurably improve the security and quality of economic life for the area's inhabitants, and neutralize a dangerous source of conflict and instability in the region. The Security Council mission received assurances from the members of the Political Committee that they would provide the necessary information on the armed groups to the Joint Military Commission in order to facilitate planning on the steps to be taken towards a successful disarmament, demobilization, reintegration and repatriation or resettlement operation. The mission also trusts that the

Heads of State of the region will remain in close touch with each other on this aspect in particular. The Security Council will take into account the timeliness of the provision of this information, and other indications of the commitment of the parties. The Council may also wish, in the context of the forthcoming report of the Secretary-General, to refine the sanctions regime currently in force vis-à-vis the ex-FAR and the Interahamwe.

125. If the withdrawal of all foreign forces is achieved in accordance with the present draft plan, the implementation of the Lusaka Ceasefire Agreement would have achieved substantial completion in its military aspects. The Security Council mission became aware during its visits and its meetings with the Heads of State of the region of the nuanced positions expressed on this question. However, it was clear to the mission that peace cannot be restored to the Democratic Republic of the Congo until all foreign forces have departed, and that all aspects of the peace process should be carried out in parallel. The mission welcomes indications that some foreign contingents have already been withdrawn, and recommends that the Security Council continue to urge all Governments with foreign forces in the Democratic Republic of the Congo to withdraw them in a phased and reciprocal process, and in accordance with their undertakings in the Lusaka Agreement and the relevant resolutions of the Security Council.

126. The progress made during the mission's visit in the preparations for the inter-Congolese dialogue is encouraging. The Security Council may wish to commend Sir Ketumile Masire, the neutral facilitator, for his efforts, which will result in the convening of a preparatory meeting on 16 July. The Security Council may also wish to confirm that the dialogue should proceed, in all parts of the country, as speedily as possible, and not be delayed by any unnecessary linkages or conditionalities connected to the military aspects of the Lusaka process. In this context, MONUC should be encouraged to assist the visits of Sir Ketumile Masire's two senior associates, Mr. Mogwe and Mr. Ould Lebatt, to the 11 provinces of the Democratic Republic of the Congo over the next few weeks.

127. The Security Council mission is also aware that, as outlined in the latest report of the Secretary-General on MONUC (S/2001/373), entry into phase III will entail a number of other activities which reach beyond the concept of operations that MONUC has been implementing so far. To the extent that MONUC is expected to expand its range of tasks, it should receive the necessary resources, equipment and personnel accordingly, within the overall limit of 5,537 military personnel originally approved by the Council in resolution 1291 (2000).

128. The Security Council mission considers it indispensable for the return to peace to be accompanied by an increase in economic activity, which the international community should mobilize to assist. The mission drew attention to the list of quick-impact projects that could be implemented where MONUC was deployed, and encouraged the international community and international financial institutions to follow up with assistance. During its visit to Mbandaka, the mission announced the reopening of the River Congo and the imminent arrival of the MONUC riverine unit. The restoration of river traffic will permit the re-establishment of links between Kinshasa, Mbandaka and Kisangani, provided all parties cooperate.

129. MONUC can play an important role in reopening the riverine network. Not only will the reopening of the rivers stimulate trade, facilitate the movement of persons and goods and thus the spread of ideas and dialogue, it will significantly reduce the operating costs of MONUC, which at present must transport all goods and personnel by air at considerable expense. It will also have very positive consequences for confidence-building and the strengthening of a sense of national unity. Anything that can be done to renovate the rail and road networks of the Democratic Republic of the Congo would have the same effect. The international community is preparing numerous small quick-impact projects, but should also consider broader economic assistance to accompany the onset of peace wherever MONUC is deployed. Other relevant organs of the United Nations system should be made aware of the importance of economic progress to the health of the peace process itself. The Security Council looks forward to receiving further details concerning the proposed establishment of a Congo River Basin Commission comprising the Congolese parties, United Nations agencies and the Governments of the Republic of the Congo and the Central African Republic under the chairmanship of MONUC.

130. Illegitimate exploitation of the natural resources of the Democratic Republic of the Congo must be

brought to a halt. Those resources belong to the Congolese people. All parties concerned should cooperate with the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo as it continues its enquiries and completes its report. The Security Council mission recommends that, if no progress is made within three months, the Council consider taking the measures necessary to put an end to any continuing illegitimate exploitation.

131. The Security Council mission calls for full respect for human rights by all the parties in the Congolese tragedy, and calls for an immediate cessation of the use of child soldiers and/or their immediate demobilization. It recommends that the Security Council consider, in the light of the forthcoming report of the Secretary-General, the deployment of additional human rights observers in the Democratic Republic of the Congo. War criminals must be held accountable. There should be no impunity, and the Security Council should look forward to further reports from the Special Rapporteur, Roberto Garretón.

132. Lastly, there will be a durable peace only if all the countries of the region succeed in defining for themselves the rules by which to promote security and development. At the appropriate time, an international conference on the Great Lakes region would permit a close and continuous examination of these questions, as well as helping to attract donor contributions. The Security Council should invite the leaders of the region to consider whether the time has come to plan for such a conference.

The situation in Burundi

133. The mission was struck by the complexity and intractability of the situation in Burundi, and its serious potential for large-scale violence. The Security Council mission delivered a very strong message to all its Burundian interlocutors: there is no military solution to the conflict; peace can be achieved only through negotiations within the framework of the Arusha Agreement; all parties must be prepared to compromise. The Security Council may wish to repeat that message and, perhaps on the basis of further recommendations from the Secretary-General, find ways of making it better heard.

134. The regional Heads of State should remain involved, and ways should be found of encouraging dialogue between the Government and the FNL. The strengthening of the Regional Peace Initiative, in a way that would encourage its participants to find additional ways of resolving the conflict, would also be desirable. Urgent attention should be paid to the situation along the border between the United Republic of Tanzania and Burundi, which could ignite a serious deterioration in the crisis. A possible way forward could be the establishment of a joint Burundi-United Republic of Tanzania commission on refugee issues. Following the meeting between the Security Council mission and FDD leaders, a new meeting, possibly in Libreville, should be organized quickly in order to further the dialogue between the Government and FDD.

135. The Council may wish to invite recommendations from the Secretary-General for the strengthening of the office of the facilitator, and for broadening the role of the Representative of the Secretary-General. The Security Council should also consider proposals from the Secretary-General, in consultation with Mr. Mandela, for the establishment of a permanent negotiating mechanism involving the Representative of the Secretary-General in Bujumbura. Such a mechanism, which may require additional personnel and resources, could deal with issues such as the reform of the armed forces and the judiciary, human rights and refugees and displaced persons.

136. The tragedy in Burundi is closely linked with that in the Democratic Republic of the Congo. While in Bujumbura, Dar es Salaam, Kigali and Kampala, the Security Council mission became increasingly aware that the movements of rebel fighters from the Democratic Republic of the Congo eastwards in order to evade being disarmed and demobilized might aggravate the Burundi crisis. It is clear to the Security Council mission that no action that damages Burundi can truly assist the Democratic Republic of the Congo. The Security Council will continue to support a global solution that can assist in restoring peace to both countries, and to the entire Great Lakes region.

137. The Security Council mission wishes to express its deep appreciation to the Heads of State of the Great Lakes region, to Nelson Mandela and to Sir Ketumile Masire, who met with the mission to share their views on these many important questions. The mission is also very grateful to the Special Representative of the Secretary-General for the Democratic Republic of the Congo, Kamel Morjane, to MONUC and to the Representative of the Secretary-General in Burundi,

Jean Arnault, for the sound advice and impeccable arrangements they made for the mission's visits to the Democratic Republic of the Congo and to Burundi. The mission thanks UNDP and other United Nations agencies for the faultless logistical arrangements made on its behalf in Johannesburg, Luanda, Lusaka, Bujumbura, Dar es Salaam, Kigali and Kampala, and the Secretariat staff that accompanied the mission for their dedicated and indefatigable support.